



# City Council Agenda

Thursday, July 09, 2020

6:00 PM

35 Cabarrus Avenue, W, Concord NC 28025

Cell phones are to be turned off or placed on vibrate during the meeting. Please exit the Council Chambers before using your cell phone.

The agenda is prepared and distributed on Friday preceding the meeting to Council and news media. A work session is then held on the Tuesday preceding the regular meeting at 4:00 pm.

In order to maintain the safety of City residents, City Council, and staff, the June 9, 2020 City Council Work Session and the June 11, 2020 City Council meeting will be conducted electronically via Zoom and can be accessed with the following link:

Join Zoom Meeting:

<https://us02web.zoom.us/j/82744897457?pwd=UGh3OXI4UHFIZzhpTkpUWVF2a2tqQT09>

Phone Dialing alternative:

646-876-9923 or 312-626-6799

Meeting ID: 827 4489 7457 Password: 579922

Public Hearings will be conducted during the July 7, 2020 Work Session. If you would like to comment on a public hearing item or to comment during the Persons Requesting to be Heard portion of the July 9, 2020 City Council meeting click the following link:

<https://forms.gle/M37tMtHE3AFFjbBp8>.

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**I. Call to Order**

**II. Pledge of Allegiance and Moment of Silent Prayer:**

**III. Approval of Minutes:**

June 9, June 11, and June 26, 2020.

**IV. Presentations**

**1. Recognition of the City of Concord Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting for period ending June 30, 2019.** The City of Concord has participated in the Government Finance Officer's Association of the United States and Canada (GFOA) award program for many years and again has been successful in meeting the requirements for the Certificate of Achievement for Excellence in Financial Reporting for the period ending June 30, 2019. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. The City has received this award for 31 consecutive years.

**2. Recognition of the City of Concord Human Resources Department for being awarded the 2020 Healthiest Employer of Greater Charlotte award.** The City of Concord has received the second place award for the Healthiest Employers of Greater

Charlotte - companies with 500-1,499 workers. This year's submission highlighted the City's priority on health and wellness. The City provides routine emails and wellness tips to employees and posts wellness information and tips in break rooms, communal areas and on monitors throughout the workplace. The wellness seminars that the City provides have increased over the past year as well, to include a wider variety of topics and the fitness facilities continue to be utilized by employees.

**V. Unfinished Business**

**VI. New Business**

**A. Informational Items**

**B. Departmental Reports**

**C. Recognition of persons requesting to be heard**

**D. Public Hearings**

- 1. Conduct a public hearing and consider adopting an ordinance for annexation of four (4) parcels located on the northeast side of the Rocky River Road and Lower Rocky River Road intersection. The authorized petitioner for the annexation is Keith Rains, PE, of McKim and Creed.** The authorized petitioner for the annexation is Keith Rains, PE, of McKim and Creed. The subject property consists of +/- 56.83 acres on the northeast corner of Rocky River Road and Lower Rocky River Road. The property is also adjacent to the southwest corner of The Mills at Rocky River project, and west of CC Griffin Middle School. The applicant has proposed to annex the subject property for the development of a single-family residential detached subdivision.

**Recommendation:** Consider a motion to adopt the annexation ordinance and set the effective date for July 9, 2020.

- 2. Conduct a public hearing to consider approving the submission of the Consolidated Plan for FY 2020-2024 and FY 2020-2021 Action Plan to the US Department of Housing and Urban Development Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs.** The City of Concord and the Cabarrus/Iredell/Rowan HOME Consortium are required to submit a Consolidated Plan every five (5) years to HUD. This plan evaluates the housing and community development needs within the region and details proposed actions to address the identified needs. As lead entity, Concord staff is responsible for gathering compiling and submitting to HUD information from all members. This effort results in a unified, comprehensive plan outlining community development activities to be undertaken during the upcoming five (5) year, for the entire region. Due to COVID-19 limitations, HUD amended public comment periods to a shorter timeframe and allowed jurisdictions to host virtual public hearings to safely obtain input from residents and community stakeholders. To help limit hardships for residents, staff has worked to obtain input via several virtual methods. First, a survey was available on the Community Development webpage March 1st – April 30th for initial input. The survey link was shared with HOME members and community stakeholders to be distributed for area input. Concord's first public hearing was held online through the City of Concord website on May 3 - 15, 2020. A second virtual public hearing was held online from June 15th – June 26, 2020 where the general public, boards and commissions, non-profits, and other interested parties are asked to review and submit comments to the draft plan version available online. In addition to these efforts, two other surveys were opened via the City's webpage and Community Development's webpage. To date, staff has received over 3,500 responses from the community. Based on this input, the main points identified as priorities within Concord and the region are; housing (rehabilitation/weatherization), affordable housing, homelessness and economic development. These items are the core needs discussed and basis for actions proposed within the next five (5) years. Included within the Consolidated Plan is the 2020-2021 Annual Action Plan for

Concord. This defines the activities selected to be carried out using the CDBG allocation is \$682,540 and HOME Consortium allocation is \$1,304,995. The Annual Plan and budget mirrors what were presented in the City's overall budget which was adopted June 11, 2020.

**Recommendation:** Motion to approve the submission of the Consolidated Plan for FY 2020-2024 and FY 2020-2021 Action Plan to the US Department of Housing and Urban Development Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs.

**E. Presentations of Petitions and Requests**

**1. Consider adopting a resolution of intent to schedule a public hearing on the matter of abandon a portion of the right-of-way of the former location of Wilshire Ave. SW between Old Charlotte Rd. SW and the new alignment of Wilshire Ave SW.** The proposal includes the abandonment of the right-of-way and the granting of a permanent public utility easement to the City. Chris Lucas has applied for the right-of-way abandonment. Mr. Lucas, via his firm New South Properties, LLC, owns the property on both sides of the right of way proposed for abandonment. The General Statutes require that the City 1) post signs in two (2) places along the right-of-way, 2) send copies of the approved resolution of intent to all neighboring owners after adoption, and 3) advertise in the newspaper once a week for four (4) consecutive weeks. The notice requirement would allow the hearing to be conducted at the August City Council meeting.

**Recommendation:** Motion to adopt a resolution of intent to set a public hearing for the August City Council Meeting to abandon a portion of the right-of-way of the former location of Wilshire Ave. SW between Old Charlotte Rd. SW and the new alignment of Wilshire Ave SW.

**2. Consider authorizing the City Manager to negotiate and execute a contract with Talbert Bright and Ellington (TBE) to provide professional engineering services to mitigate obstructions at Concord-Padgett Regional airport and to adopt the operating budget amendment for the project.** Federal Aviation Administration last year has issued a Notice to All Airman (NOTAM) regarding unreliable service for our Automated Weather Observing System (AWOS) at Concord-Padgett Regional Airport. This NOTAM is in effect when the Air Traffic Control Tower (ATCT) is closed and Instrument Flight Rules conditions exist. We have had on several occasions where are based tenants were unable to fly back to the Airport due to AWOS being unreliable. This decision was due to changes from FAA regarding obstructions around the AWOS's nationwide. The new rule dictates that AWOS must be 1000 feet radius free from any obstructions, the previous rule stated 500 feet radius free. The AWOS is located on the east side of the runway and has been in place for the last 25 years. The Airport has identified the locations of trees to be removed. In addition, ATCT has identified a line of site issue with Taxiway G that needs to be addressed as well. Due to the extensive number of trees being removed a documented category exclusion will need to be conducted. KDAR, LLC has provided the required Independent Fee Analysis and the FAA has approved the scope of work for the project and has agreed to fund obstruction removal in FY 21. The funding for the professional services will be from the NCDOT-aviation grant that will be available July 2020. The airport will receive \$2, 240,445.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with TBE not to exceed \$155,000 and to adopt the operating budget amendment for the project.

**3. Consider approving Neighborhood Matching Grant requests submitted by Recognized Neighborhoods.** Through the City's Partnership for Stronger Neighborhoods program, recognized neighborhoods have the opportunity to participate in the Neighborhood Matching Grant Program. The purpose of the Neighborhood Matching Grant Program is to assist recognized neighborhoods with

completion of projects and/or programs that will enhance their community or neighborhood association. Neighborhood organizations must match the funds requested with cash, in-kind donations of goods and services, or contributions of volunteer time. For Fiscal Year 2020 - 2021, the maximum grant amount that may be requested for any project is \$3,000 and the program budget is \$30,000. All eligible recognized neighborhood organizations were invited to apply for grant funds. The application deadline was May 22, 2020. Staff received ten applications requesting a total \$27,378.00 to complete \$60,723.40 in projects. A grant review committee made up of staff from Engineering, Buildings & Grounds, Planning, and Transportation reviewed and ranked the applications based on a 100-point rating matrix. Evaluations measured community involvement, tangible public and neighborhood benefit, project readiness, and neighborhood contribution/match in funds. As a result of these assessments, the committee recommends funding nine neighborhood requests. The attached memorandum includes a brief description of each project.

**Recommendation:** Motion to award FY 2020-21 Neighborhood Matching Grants as requested by the following recognized neighborhoods (1) \$3,000 – Logan Community Association, (2) \$3,000 – Gibson Village Community Association, (3) \$3,000. – Oak Park Homeowner’s Association, (4) \$1,273 – Hidden Pond Homeowner’s Association, (5) \$3,000 – Sapphire Hills Townhome Association, (6) \$3,000 – Christenbury Homeowner’s Association, (7) \$2,095 – Lanstone Homeowner’s Association, (8) \$3,000 – Moss Creek Homeowners Association, (9) \$3,000 – Highland Creek Homeowners Association.

- 4. Consider adopting a resolution to create temporary COVID-19 related policies for the City's utility customers regarding utility shut-offs, late fees, and reconnection fees upon expiration of the Governor's Executive Order No. 124 & 142.** On March 31, 2020, Executive Order (EO) No. 124 was signed by the Governor of North Carolina. This order expired on June 1, 2020 and Executive Order 142 was issued to continue that order for 60 more days. Among other things, this order prohibited residential utility shut-offs, late fees, and reconnection fees. The order will expire in 120 days, or July 29, 2020. Staff is requesting that a resolution be adopted by City Council to be in effect upon the expiration of EO 142. This resolution will create the procedures for the City's utility customers that qualify for the 6 month agreement required by EO 124 and EO 142. The resolution will expire, for utility customers who are enrolled in a COVID -19 related payment agreements, no later than 6 months from the date the customer signs the agreement. The EO states that residential customers, who had a bill due date between the dates of March 30, 2020 and July 29, 2020, should be given at least 6 months to pay the amount due. This resolution will also continue to suspend penalties for customers until the six month period ends, which should be in February, 2021. The City plans to send the attached Pay Plan letter as an insert with the utility bills for all 3 billing cycles. This information will also be shared through social media and telephone calls. Several documents have been attached for your review, including the City's current process for payment agreements.

**Recommendation:** Motion to adopt a resolution which will create the temporary COVID-19 related policies for the City's utility customers regarding utility shut-offs, late fees, and reconnection fees upon expiration of the Governor's Executive Order No. 124 & 142.

- 5. Consider adopting a resolution authorizing the exchange of certain parking easements for other equal parking easements.** Central United Methodist Church has requested that the City consider exchanging existing parking easements on church property off Church Street for other equal parking easements located in the church parking lot off Killarney Avenue.

**Recommendation:** Motion to adopt a resolution authorizing the abandonment of the parking easement areas off Church Street and conveyance of those easements back to Central United Methodist Church and the exchange of the new easements areas and directing the City Attorney to take all necessary actions to complete the exchange.

- 6. Consider authorizing the City manager to negotiate and execute a contract with Queen City Engineering for Rider Transit Driver Protection Barriers.** As part of our response to the COVID-19 Public Health Emergency, Rider Transit is requesting approval to proceed with the procurement of Driver Protection Barriers to help ensure the health and safety of our Fixed Route bus and Demand Response Operators. These barriers would provide twofold protection for our vehicle Operators: a physical barrier for enhanced protection from Coronavirus transmission, as well as a security barrier to protect Operators from any unwanted physical contact from passengers or the general public. Rider Transit is required to spend a minimum of 1% of our FTA 5307 grant funding allocations on security related items, for which these barriers would be an eligible item. We have 17 vehicles, 4 different vehicles types, each requiring a different size and shaped barrier system. Rider Transit staff recommends awarding Queen City Engineering a contract in the amount of \$57,500 to design, build and install protection barriers on our 17 buses, vans and Light Transit Vehicles. Under new authorizations from FTA related to the Coronavirus Pandemic, Rider Transit will be able to use Federal grant funds to pay 100% of the cost of this project. This recommendation was approved by the Concord Kannapolis Transit Commission at their 6/24/20 meeting.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with Queen City Engineering for Rider Transit Driver Protection Barriers.

- 7. Consider approving the Concord Kannapolis Area Transit Public Transportation Agency Safety Plan.** New this year, FTA is requiring all federally funded public transit systems to develop and maintain an Agency Safety Plan. Rider Transit, considered a Small Agency (under 100 buses) by FTA, will be participating under NCDOT's Statewide System Safety Program Plan. FTA program requirements include that approval of the new plan by the Concord Kannapolis Transit Commission, the Cabarrus Rowan MPO, and Concord City Council be included within the plan document itself before submission to NCDOT and FTA for their final approval. The new plan was approved by the Concord Kannapolis Transit Commission at their 6/24/20 meeting.

**Recommendation:** Motion to accept and approve the Concord Kannapolis Area Transit FTA Public Transportation Agency Safety Plan.

- 8. Consider approving the Master Plan and Conceptual Design for a 6.97 acre neighborhood park located at 106 Wilson Street, NE, trailhead parking for the McEachern Greenway.** The Parks and Recreation Department is pleased to present a master plan and conceptual drawing for Council's consideration for property located at 106 Wilson Street, NE along the McEachern Greenway, commonly referred to as "Wilson Street Park." The property is approximately 6.97 acres, and current serves as trailhead parking for the McEachern Greenway. The gravel parking area was developed in 2017 with the construction of the McEachern Greenway Extension and has since been cleared and maintained as open space. Based on recent revisions to FEMA Flood maps, much of the area that was formerly within the 100-year floodplain was removed in 2016, which will allow the City to pave the parking and add a new restroom building for the McEachern Greenway Extension. In addition to and based on recommendations from the Comprehensive Parks and Recreation Master Plan and the Open Space Connectivity Analysis, the transformation of this space into a new, and unique neighborhood park experience along the greenway became a top priority for the Department. Parks and Recreation

contracted with the firm, Viz Design to create a vision for the space that incorporates several thematic elements including a nature and themed playground area, outdoor classroom space, pollinator garden, enchanted fairy door path, labyrinth maze, and many other areas for kids and families to relax, enjoy nature and enjoy the greenway. This park site also offers the opportunity to increase program offerings for children of all ages with the addition of the restroom and outdoor classroom. Situated along the McEachern Greenway, it will be one of five (5) connected park sites, which include Les Myers Park, McGee Park, Wilson Street, Beverly Hills and the David Phillips Activity Center recently opened, and the surrounding property.

**Recommendation:** Motion to approve the Master Plan for Wilson Street Park.

- 9. Consider authorizing the City Manager to negotiate and execute a contract with Woolpert, North Carolina, PLLC to complete the master plan, public input, and conceptual design for the Northwest Park.** The property at 1252 Cox Mill Road in Concord, which totals approximately 28.6 acres and is adjacent to Cox Mill Elementary School, was recently purchased by the City to serve as the site of Concord's first Community Park in the Northwest. Parks and Recreation submitted an RFQ seeking professional design firms in March. A total of 19 firms submitted Statements of Qualification, and through the selection process, the firm Woolpert, North Carolina, PLLC located at 11301 Carmel Commons Blvd., Suite 300 in Charlotte, North Carolina was selected. The contract amount is for \$83,820, which will include meetings with stakeholders, public workshops and public participation including a needs assessment survey, master planning, conceptual design, and other reimbursable expenses including presentations to Council once the master plan document is complete. Funding was identified in the FY21 budget for master planning. Development of a park in the Northwest region of Concord is a City Council Goal, and top priority goal of the Comprehensive Parks and Recreation Master Plan. Amenities in this park may include a recreation center, community room, meeting space, sport fields and/or courts (tennis, pickleball, etc.), open space, splash pad, dog park, disc golf, playgrounds, shelters and greenways and/or trails for connectivity.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with Woolpert, North Carolina, PLLC for master plan development for the property under consideration for a Northwest Park.

- 10. Consider authorizing the City Manager to negotiate and execute a contract with TELICS, Inc. for on-call Real Estate Services to assist with the land acquisition process for greenway development.** Parks and Recreation with assistance from Legal and Engineering, submitted an RFQ for Real Estate Acquisition Services for park and greenway projects, and has selected the firm TELICS (Telecommunication & Industrial Consulting Services). TELICS has experience with several components of the land acquisition process, including property research, right-of-way/fee simple/easement acquisitions, property negotiations, appraisals, and survey work on a parcel by parcel basis. TELICS also has experience working with NCDOT on right-of-way acquisitions for future road projects, and experience working with Mecklenburg County on Greenway acquisitions. TELICS Scope will include acquisition services for four (4) primary greenway corridors as referenced in the Open Space Connectivity Analysis, and the City's Capital Improvement Plan, including McEachern Greenway, Hector Henry Greenway, Clarke Creek Greenway (Cox Mill Loop), and Irish Buffalo Creek Greenway. On average, a typical greenway project could have anywhere from only a few easements to acquire to as much as 15 individual parcels depending on the corridor location. TELICS fee will be anywhere from \$3,000 to \$8,700 per parcel depending on the service provided.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with TELICS, Inc. for Real Estate Services for greenway development.

- 11. Consider adopting a resolution to convey a temporary construction easement to Cabarrus Propco, LLC.** Cabarrus Propco, LLC is developing a site on Drake Mill Lane, SW known as Rocky Mill Manor which is an assisted living facility. The City owns the site adjacent to their parcel which is used for a trail and trail head parking. The property line runs in the middle of an old erosion control measure (sediment pond) that was used during the original site grading. Cabarrus Propco, LLC proposes to fill in the old sediment pond. Engineering and Parks and Recreation staff have met on site to review the grading plan, comments and amendments were proposed back to the developers engineer which has been accepted and incorporated.

**Recommendation:** Motion to adopt a resolution to convey a temporary construction easement to Cabarrus Propco, LLC.

- 12. Consider a Preliminary Application from Land Development Solutions.** In accordance with City Code Chapter 62, Land Development Solutions has submitted a preliminary application to receive water and sewer service outside the City limits. The property is located at 3560 US Hwy 601S and is approximately 173 acres. The parcel is currently zoned LDR and the applicant proposes to develop with a mixed use development.

**Recommendation:** Motion to accept the preliminary application and have the owner proceed to the final application phase including annexation.

## VII. Consent Agenda

- A. Consider accepting an Offer of Dedication of an access easement and approval of the maintenance agreement.** In accordance with the CDO Article 4 the following access easements and maintenance agreements are now ready for approval: Blue Anchor, LLC (PIN 4680-96-4101) 8400 Westmoreland Drive NW. Access easement and SCM maintenance agreement is being offered by the owners.

**Recommendation:** Motion to approve the maintenance agreements and accept the offers of dedication on the following properties: Blue Anchor, LLC.

- B. Consider accepting an Offer of Dedication of utility easements and public rights-of-ways in various subdivisions.** In accordance with CDO Article 5, the following final plats and easements are now ready for approval: Roberta Ridge Phase 1 Map 7 and Dalton Woods. Various utility easements and public rights-of-ways are offered by the owners.

**Recommendation:** Motion to accept the offer of dedication on the following plat and easements: Roberta Ridge Phase 1 Map 7 and Dalton Woods.

- C. Consider adopting a budget ordinance to correct an error in the HOME budget.** Staff is requesting that the HOME budget be amended to correct an error. The adopted budget amount for HOME includes prior year funding for a position that is already allocated and should not have been included in the FY21 adopted budget amount.

**Recommendation:** Motion to adopt a budget ordinance to correct an error in the HOME budget.

- D. Consider adopting a General Capital Reserve Project ordinance to close completed transfers for FYE 2020.** Staff is requesting approval to close completed transfers for this fiscal year 2020.

**Recommendation:** Motion to adopt a General Capital Reserve Project ordinance to close completed transfers for FYE 2020.

- E. Consider adopting a Utility Reserve fund capital project ordinance amendment to close prior year completed transfers.** Staff is requesting that prior year completed transfers be closed in the utility project reserve fund in the amount of \$3,416,725.

**Recommendation:** Motion to adopt a Utility Reserve fund capital project ordinance amendment to close prior year completed transfers.

- F. Consider adopting a Water capital project ordinance to remove the Roberta Road Line project.** Staff is recommending that the Roberta Line project. \$35,000, be removed from the project list. The project will not be done at this time and the revenues associated with this project will be placed in reserves for future projects.

**Recommendation:** Motion to adopt a Water capital project ordinance to remove the Roberta Road Line project.

- G. Consider adopting a Wastewater project ordinance to close projects that are not currently planned.** Staff is requesting that several projects be removed from the wastewater project fund. These projects were adopted in various prior years, but there is no activity in the accounts. Staff is recommending that these projects be removed from the books and the revenue sources be reserved for future projects.

**Recommendation:** Motion to adopt a Wastewater project ordinance to close projects that are not currently planned.

- H. Consider approving the City's semi-annual debt report as of July 1, 2020.** Staff has been asked to report on the City's debt semi-annually. The attached report represents the City's annual principal and interest requirements as well as the outstanding debt as of July 1, 2020.

**Recommendation:** Motion to accept the semi-annual debt report for the City of Concord as of July 1, 2020.

- I. Consider acceptance of the Tax Office reports for the month of May 2020.** The Tax Collector is responsible for periodic reporting of revenue collections for the Tax Collection Office.

**Recommendation:** Motion to accept the Tax Office collection reports for the month of May 2020.

- J. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of May 2020.** G.S. 105-381 allows for the refund and/or release of tax liability due to various reasons by the governing body. A listing of various refund/release requests is presented for your approval, primarily due to overpayments, situs errors and/or valuation changes.

**Recommendation:** Motion to approve the Tax releases/refunds for the month of May 2020.

- K. Receive monthly report on status of investments as of May 31, 2020.** A resolution adopted by the governing body on 12/9/1991 directs the Finance Director to report on the status of investments each month.

**Recommendation:** Motion to accept the monthly report on investments.

**VIII. Matters not on the agenda**

- TAC
- MTC
- Centralina Council of Government (CCOG)
- Concord/Kannapolis Transit Commission
- WSACC
- Public Art Advisory Committee
- Concord Family Enrichment Association
- PTT Committee
- Barber Scotia Property Task Force Committee

**IX. General comments by Council of non-business nature**

**X. Closed Session (if needed)**

**XI. Adjournment**

\*IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE CITY CLERK AT (704) 920-5205 AT LEAST FORTY-EIGHT HOURS PRIOR TO THE MEETING.